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Law Office of

www.gadgetlaw.com

## MARK C. JACOBS

Registered Patent Attorney

RECEIVED

DEC 16 2010

OFFICE OF PETITIONS

United States Patent and Trademark Office  
Office of Finance  
Receipts Accounting Division

ATTENTION: Dorethea Allen

Re: Unintentionally delayed payment of maintenance fees in an Expired Patent  
Russell Stocker  
Patent# 5,794,847

Dear Dorethea,

Thank you for your assistance in the above referenced matter. Please find enclosed the forms that you so kindly faxed to us completed and also the copies of all documents that were sent previous to our conversation.

Please note that the check we are submitting to the USPTO is for the amount of \$1640.00 which is the petition fee for acceptance of the late payment of the 3<sup>rd</sup> sm all entity maintenance payment of \$2055.00, plus the \$65.00 surcharge for a total of \$2120.00, previously submitted.

If we are missing anything of the balance owing has changed, please advise us by phone or fax.

Thank you again for your help in this matter.

Cordially yours,



Mary "Dester" Martin, Assistant to Mark Jacobs

12/15/2010 DALLEN 00000001 5794847

01 FC:1599

1640.00 OP

PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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#6

# **PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE FOR AN EXPIRED PATENT (37 CFR 1.378(c))**

DEC 16 2010

OFFICE OF PETITIONS

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
5,794,847	1988-08-18			1525

**CAUTION:** Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

## **SMALL ENTITY**

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## **LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## **NOT Small Entity**

- |                       | Fee       | Code   |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year  | (1551) |
| <input type="radio"/> | 7 ½ year  | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

## **Small Entity**

- |                                  | Fee       | Code   |
|----------------------------------|-----------|--------|
| <input type="radio"/>            | 3 ½ year  | (2551) |
| <input type="radio"/>            | 7 ½ year  | (2552) |
| <input checked="" type="radio"/> | 11 ½ year | (2553) |

## **SURCHARGE**

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

## **MAINTENANCE FEE (37 CFR 1.20(e)-(g))**

The appropriate maintenance fee must be submitted with this petition. - PREVIOUSLY SUBMITTED

## **STATEMENT**

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

## **THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES**

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

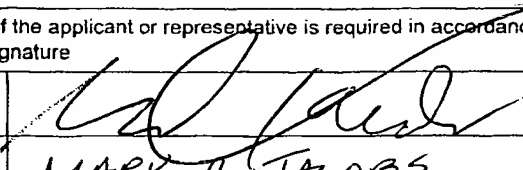
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature		Date (YYYY-MM-DD)	2010-12-08
Name	MARK C. JACOBS	Registration Number	24043
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

MARK C. JACOBS, ATTORNEY AT LAW  
3033 EL CAMINO AVE.  
SACRAMENTO, CA 95821

September 9, 2010

## NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 5794847

PAYMENT STATUS:

Payment Amount Received: \$ 2,120.00Payment will be refunded electronically by EFT.Payment Year 11.5 (e.g., 3.5, 7.5, 11.5)PAYMENT RECEIPT DATE 08/31/2010  
(Mailroom Date Stamp)

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Your payment was not accepted for the following reason(s):

- ☐ 1. The maintenance fee for the above-identified patent was previously paid on OFFICE OF PETITIONS  
☐ Information regarding the previous payment is stated in item 8 below.
- ☒ 2. The patent expired on 08/18/2010. See "Patent Expiration" section below.
- ☐ 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on \_\_\_\_\_.
- ☐ 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the above-identified patent. An additional amount of \$ \_\_\_\_\_ is/was required.
- ☐ 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- ☐ 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- ☐ 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- ☐ 8. Other: \_\_\_\_\_.

## Resubmitting Maintenance Fee Payment


The six (6) month "grace period" for paying the maintenance fee for the above-identified patent begins on \_\_\_\_\_ and ends on \_\_\_\_\_. In addition to the maintenance fee of \$ \_\_\_\_\_, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ \_\_\_\_\_. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

## Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

 Dorethea Allen (571) 272-6317  
Printed Name of USPTO Representative

  
Signature of USPTO Representative

**NOTE:** All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the [www.uspto.gov](http://www.uspto.gov) website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.

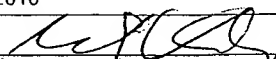
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**MAINTENANCE FEE TRANSMITTAL FORM****(Do not submit this form electronically via EFS-Web)****Address to:**

Director of the United States  
Patent and Trademark Office  
Attn: Maintenance Fee  
2051 Jamieson Avenue, Suite 300  
Alexandria, VA 22314

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314" on August 26, 2010

Signature

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- OR -

Fax to: 571-273-6500

Typed or printed name Mark C. Jacobs, Esq.

**DEC 16 2010**

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

**OFFICE OF PETITIONS**

1. ☒ A check for the amount of \$ 2120.00 for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
2. ☐ Payment by credit card. Form PTO-2038 is enclosed.
3. ☐ The Director is hereby authorized to charge \$ to cover the payment of the fee(s) indicated below to Deposit Account No.
4. ☐ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No.

\* Information required by 37 CFR 1.366(c) (columns 1 &amp; 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, &amp; 5).

Item	Patent Number*	U.S. Application Number* [e.g., 06/555,555]	Maintenance Fee Amount (37 CFR 1.20(e)-(g))	Surcharge Amount (37 CFR 1.20(h))	Payment Year (select one below)		
					Column 5	3.5 yrs	7.5 yrs
	Column 1	Column 2	Column 3	Column 4			
1	5,794,847	08738415	\$2055.00	\$65.00			X
2							
3							
4							
5							
Subtotals: Columns 3 & 4			\$2055.00	\$65.00	<input type="checkbox"/> additional sheets attached for listing additional patents.		
Total Payment			\$2120.00				

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, \*\*

Customer's Signature



Customer's Name Mark C. Jacobs

Registration Number, if applicable: 24043

Telephone: 916-485-5000

Fax: 916-485-9901

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

\*\* WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PATENT

Client Name & Docket No. RUSSELL STOCKLER 1525A  
Title: AIR ASSISTED INSERT DISPENSING APPARATUS  
Applicant: RUSSELL STOCKLER  
Ser./Pat. # 5,794,847 Filing Date: 8/18/98

Please acknowledge receipt of:

- ☐ Application having \_\_\_\_\_ pages of specification and claims, and \_\_\_\_\_ sheets of drawings, FIG(S).
- ☐ Declaration/Oath
- ☐ Power of Attorney
- ☐ Small Entity Statement
- ☐ Check # \_\_\_\_\_
- ☐ Patent Assignment Cover Sheet
- ☐ Assignment
- ☐ Check # \_\_\_\_\_
- ☐ Letter
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449 & Refer.
- ☐ Certification
- ☐ Petition
- ☐ Check # \_\_\_\_\_
- ☒ Mailed 8/26/10
- ☒ Amendment
- ☐ Request for Priority and Pri. Doc.
- ☐ Reply to Office Action
- ☐ Request for Ext. of Time
- ☐ Check # \_\_\_\_\_
- ☐ Amendment After Final Rejection
- ☐ Request for Ext. of Time
- ☐ Check # \_\_\_\_\_
- ☐ Corrected Drawings
- ☐ Issue Fee Transmittal
- ☐ Check # \_\_\_\_\_
- ☐ Other \_\_\_\_\_
- ☒ Maintenance Fee Transmittal Form
- ☐ Check # 18337
- ☐ Cert. of Mailing
- By MM

1832

90-78-1211

MARK C. JACOBS  
ATTORNEY AT LAW  
(916) 485-5000  
3033 EL CAMINO AVE  
SACRAMENTO, CA 95821

DATE 04/26/00

\$2120.00

MP

IN THE ORDER OF Twenty One Hundred Twenty — a/m

BANK OF THE WEST

1525 3rd pin + Eugene

Carl

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